HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 11144 OF 1996

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Between:

Pasupulati Ramulamma and eight others

……Petitioners

And

The Revenue Divisional Officer, Markapuram,
Markapuram Mandal, Prakasam District
and another

……Respondents

:: ORDER ::

Counsel for the petitioners : Sri V.R. Avula

Counsel for the Respondents : Government Pleader for Revenue

Dated: 05-04-2006

This is a petition for issuance of a writ of prohibition to restrain

the respondents from preventing the petitioners from entering into house sites allotted to them in Sy.Nos.162/B-1-A2, 207/A1, 162/11+2 of Kandulapuram Village, Cumbum Mandal, Prakasam District.

In paragraph 5 of the counter filed by Sri P.Krupa Rao, the then Mandal Revenue Officer, Cumbum Mandal, Prakasam District (respondent No.2 herein), it has been averred that house site pattas issued in favour of the petitioners had been cancelled vide order 03-06-1996 and, therefore, the petitioners are not entitled to any relief.

Learned counsel for the petitioners says that copy of order dated 03-06-1996 has not been supplied to his clients so far and, therefore, they could not challenge the same by availing appropriate legal remedy under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 or by filing fresh writ petition. He says that the petitioners may be allowed to withdraw this petition with liberty to file fresh one for challenging order dated 03-06-1996 vide which respondent No.2 is said to have cancelled their pattas and also seek relief in terms of the prayer made in this petition.

In my opinion, the request made by the learned counsel is reasonable and merits acceptance. Hence, the writ petition is dismissed as withdrawn with liberty in terms of the prayer made. It is also made clear that if the petitioners are so advised, they may avail appropriate statutory remedy of appeal against order dated 03-06-1996 passed by respondent No.2 for cancelling the pattas issued in their favour.

G.S. SINGHVI, CJ

05-04-2006
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